

## Public Administration and Constitutional Affairs Committee

### Oral evidence: The work of the Cabinet Office, HC 118

Tuesday 10 March 2020

Ordered by the House of Commons to be published on 10 March 2020.

[Watch the meeting](#)

Members present: Mr William Wragg (Chair); Ronnie Cowan; Rachel Hopkins; Mr David Jones; David Mundell; Tom Randall; Lloyd Russell-Moyle; John Stevenson.

Questions 1 - 171

### Witnesses

I: Sir Mark Sedwill, Cabinet Secretary and Head of the Civil Service and Sir John Manzoni, Permanent Secretary to the Cabinet Office and Civil Service Chief Executive.

### Examination of witnesses

Witnesses: Sir Mark Sedwill and Sir John Manzoni.

Q1 **Chair:** Good morning everybody, and welcome to the Public Administration and Constitutional Affairs Committee for a hearing on the work of the Cabinet Secretary and the Cabinet Office. I am pleased to be able to welcome Sir Mark Sedwill and Sir John Manzoni before our newly constituted Committee. Good morning, gentlemen. Could I begin by asking Sir John a question, and I hope I hope he will forgive the impertinence? Your term of office was due to end in December. Why has it been extended and for how long?

**Sir John Manzoni:** It was due to end in October not December. In a discussion with Mark we felt that it would not be a particularly good moment to leave at the end of October last year, so I extended it until 31 March this year.

Q2 **Chair:** 31 March is the date?

**Sir John Manzoni:** Subject to further finalised conversations, but then or shortly afterwards. The spring is what we have said.

Q3 **Chair:** A question to Sir Mark. If a Permanent Secretary, as accounting



## HOUSE OF COMMONS

officer in a Department, is concerned about a ministerial decision with spending implications, they can ask for a written ministerial direction. What course of action is open to a Permanent Secretary who is unhappy with the conduct or behaviour of their Secretary of State?

**Sir Mark Sedwill:** It would depend how serious those concerns are. I would normally expect a Permanent Secretary and a Secretary of State to make their best endeavours to work effectively together to lead in partnership. That is the case in the overwhelming majority of the cases and the partnerships are extremely effective. If there are tensions—and Government is challenging and deals with difficult issues—one would normally expect those to be resolved between them, in private if they possibly can. If for some reason they were not able to do so, I might be asked to become involved.

It is only in very rare cases that one would expect that to be the case. Generally these relationships are good. They are often challenging. They are conducted with candour and courtesy in private. It is that partnership that means that Ministers can ensure the Civil Service is delivering its priorities.

Q4 **Chair:** What is your role in dealing with such issues as are raised with you?

**Sir Mark Sedwill:** The best way I heard it described recently was by my predecessor Robin Butler, who gave an interview about this on “The World This Weekend”, who said it was to try, if there is a difficulty, to restore harmony. It is to try to ensure that the relationship is productive. Obviously if there are concerns, if a Secretary of State, for example, has concerns about the effectiveness of the top team, whether the Department is in the right shape, again I would expect the Permanent Secretary to try to resolve those and ensure that the Department is running the way the Secretary of State wants the Department to run. My role, if there were a point of tension, would be to try to address any concerns and help the two of them work through those together. Of course, if that is not possible, we would have to consider alternative courses of action.

Q5 **Chair:** In your endeavours to restore harmony in a St Francis of Assisi way, there is no formal process, is there?

**Sir Mark Sedwill:** There is not a formal process unless an issue has become formal because there are formal complaints about behaviour and so on. As in any big organisation, the process is essentially to try to ensure that the top team, political and professional, are working effectively together and that the professional Civil Service is delivering to the expectations of the agenda of Ministers.

Q6 **Chair:** Further on that, what is formal process?

**Sir Mark Sedwill:** For example, if there were a complaint about conduct against an official, a special adviser, a Minister, by anyone, that complaint would be investigated, just as it is in any big organisation if it were about bullying or harassment or discrimination or behaviour, and the appropriate



action taken. The appropriate action will often simply be some kind of behavioural intervention, giving someone some advice or coaching on the impact they might be having on others. Obviously, if it is more serious and there is a matter of conduct, whether that is by an official or a special adviser or Minister, there are formal processes set out in the codes that we would follow. Those would only be in the rarest and most difficult cases, obviously.

**Q7 Chair:** Have you ever recommended a Secretary of State go for coaching?

**Sir Mark Sedwill:** I have not, but we are looking more generally. I think the IPA, for example, is giving Ministers some coaching in their role in overseeing major projects. We are trying to ensure that Ministers are well equipped to deal with their responsibilities. The Institute for Government often provides support to Oppositions before elections. No, I cannot think of an occasion in which I have advised that.

**Q8 Chair:** Being well equipped in terms of major projects and maybe understanding a degree of accountancy is one thing, but what about individual behaviours?

**Sir Mark Sedwill:** That might be an appropriate response. I cannot recall an occasion in which I have done so but that might be an appropriate response.

**Q9 Mr David Jones:** Sir Mark, the Ministerial Code does not contain any definition of what constitutes bullying. Do you think that it should?

**Sir Mark Sedwill:** As you will be aware, Mr Jones, of course it does refer to bullying right at the start. It is in paragraph 1.2, so it is very early on and sets out that bullying, harassment and discrimination are unacceptable among Ministers as they are against others. John may want to add something. There are well-established definitions within employment law and employment practice about what constitutes bullying, harassment and discrimination. We apply those throughout the Civil Service and throughout Government and I would expect those definitions to apply. It is referred to in the Ministerial Code and the expectation from the Prime Minister down, including in his foreword, and his predecessors, is clear.

**Q10 Mr David Jones:** There has clearly been a lot of discussion about ministerial behaviour over the past few weeks. One Minister's behaviour has been described as blunt and forthright by one commentator and by others as bullying. Do you think that the time has now come to include a definition of what is meant by bullying?

**Sir Mark Sedwill:** We have to be quite careful about trying to over-define that. I suspect I have been described as blunt and forthright myself on occasion. Of course, what you have to consider with any of these issues is the effect it is having on others. A conversation, for example, between you and I might be pretty direct and blunt. If, however, that was a conversation with someone much more junior in my line-management structure, less experienced, they might consider that the power imbalance meant that



that way of expressing ourselves was unfair and they might raise that with me, either to tell me that that was the effect I was having, and I could moderate my behaviour, or if there were a more central concern, if it were essentially undermining their effectiveness do to the job. There are well-established definitions. I do not think we necessarily need to write further definitions beyond that into the codes themselves.

**Q11 Mr David Jones:** I infer from that reply that, to a certain extent, it depends on the seniority of the official in question.

**Sir Mark Sedwill:** It can do, but it depends on the relationship between the people concerned. You can have bullying at the most junior levels. There are occasions when it is between people in the same grade. There can be different circumstances in which it takes place. What we try to do in any circumstance where a complaint has been raised—and fortunately people are now feeling more confident about reporting complaints of BHD, of bullying and these other concerns—is we investigate it properly, independently. We find the facts and then we establish whether there is a case to answer. It depends, as I say, on the circumstances and the nature of the relationship and, frankly, the power balance or imbalance in the relationship. That obviously has an effect.

**Q12 Chair:** On that, though, the Ministerial Code does not exist for those at the same grade, does it?

**Sir Mark Sedwill:** No. The point I think Mr Jones is raising is: do we need to have an additional set of definitions or elaboration in the Ministerial Code of what constitutes bullying? The point I am making is there is well-established employment law and case law on complaints of this kind. I would expect that kind of case law to apply to the Ministerial Code. The point we were addressing is not that. The key issue here is the effect the behaviour has on other people, and that effect can depend on the circumstances and context within which a particular line of conduct is happening.

**Sir John Manzoni:** Which is why in the end, when raised officially, they are always investigated and it is a subjective assessment. Of course, discrimination and harassment have slightly different connotations in law. As Mark says, bullying is the impact on an individual and, therefore, a third party with some distance from the situation investigates it, takes a view and makes an assessment of whether or not that has indeed been a case of bullying and harassment.

**Sir Mark Sedwill:** Does someone feel intimidated? Does someone feel they can do their job effectively? That does not have to be an instance. It can be a pattern of behaviour between people of all grades, any kinds of relationships over a period of time or an instance. That is why, as John says, you have to establish the facts of the case.

**Q13 Mr David Jones:** What course of action would be available to a Minister who was dissatisfied with the conduct or performance of her Permanent



Secretary?

**Sir Mark Sedwill:** These are very senior, both Ministers and officials. One would normally expect that to be raised directly, in the first instance, between them, probably in private to see whether they could address it. If there was any concern beyond that, if they were concerned about whether it is performance or conduct and they were not able to address it themselves or felt that circumstances prohibited that, I would expect them to raise it with me.

Q14 **Mr David Jones:** An unnamed senior civil servant was quoted in *The Sunday Telegraph* over the weekend as saying, "When a new Minister comes in you're building a new relationship. Sometimes those relationships work, sometimes they don't. Convention is that if they don't, you simply accept that as the senior civil servant you move to a different part of the Civil Service". Is that a fair summary of what is expected of a senior civil servant, a Permanent Secretary, who falls out with his Minister?

**Sir Mark Sedwill:** It would again depend on the circumstances. We have moved people where it has seemed appropriate to do so, but our expectation is that these are professional people, as in any big organisation. The job of the Civil Service is to support Ministers—including, obviously, Ministers of an incoming Government—and build a relationship of confidence and trust with them. There is an expectation on Ministers too. You have served in Government, Mr Jones, and obviously Mr Mundell and others have. The expectation on Ministers is also to conduct themselves professionally and courteously and try to get the best out of their Civil Service team, because that is the most effective way of delivering the Government's agenda. However, if it does not work, it does not work and we will take whatever the appropriate action might be.

Q15 **John Stevenson:** Following on that point, I often think that civil servants are a little bit like solicitors. The Minister comes along, he wants advice and the responsibility of the civil servant is to give impartial advice but do their best for that Minister, set out the pitfalls and so on. If you do not like your solicitor, there is a personality clash and you do not like, not necessarily the advice you are given but you do not like the way it has been presented and it is taking too long, you can move solicitor. A Minister has a greater difficulty in that they cannot. What can that Minister really do, or should we get to the stage where a Minister should have greater choice as to who the people are advising them and who are around them?

**Sir Mark Sedwill:** Ministers have the opportunity to have a range of advice, of course. The first half of your description is absolutely right. It is important here not to confuse Whitehall with the wider Civil Service. This is very much a Whitehall conversation rather than the nearly half a million people who are out there delivering public services. It is worth remembering that. It sometimes gets confused.

Given the nature of this conversation, the job of the officials is to give the Minister their candid, impartial, honest advice, right up until the point a



## HOUSE OF COMMONS

decision is taken and then when the decision is taken to do their level best to implement the decision the Ministers take. That is essentially the contract between Ministers and civil servants. You are right that sometimes there are personality clashes, but it is not like employing a solicitor. It is like becoming the chief executive or the executive chairman of any other big organisation. You expect professional people to be able to work through their differences and form a professional relationship if they possibly can. If it does not work out, there have been occasions when we have made changes.

Secretaries of State do have a role in the appointment of their Permanent Secretaries, but for very good reasons—essentially right the way back to Northcote-Trevelyan—we give Permanent Secretaries tenure, because what we do not want is to find that civil servants are essentially starting to behave as yes-men or yes-women and telling Ministers what they want to hear, because that way Ministers do not get the advice that they need in order to make the complex decisions they make. Our job is to try to do so in a way that supports the ministerial agenda, that avoids any tensions. Sometimes conversations and issues are very challenging and high pressure. That is true in any big and complex organisations and particularly true in government. As I say, 99% of the time, probably more than that, people work through it.

**Q16** **Ronnie Cowan:** Could I take Mr Jones's question and turn it on its head? What course of action is available to Permanent Secretaries who are unhappy with their Ministers?

**Sir Mark Sedwill:** It depends. In a sense, their job—one of those great "Yes Minister" lines—is to make sure the chips stay up. Their job is to make those relationships work and to serve the Government of the day. That is the fundamental job of the Civil Service. When you say "unhappy with their Ministers", if it is just that they do not particularly get on well, that is like any other professional environment. Professional people have to behave that way and work through any personality differences they have.

If they have concerns about the conduct of Ministers—in other words, that the conduct of Ministers is breaching acceptable standards of behaviour and so on—I would expect them to bring that to the attention of their Permanent Secretary and for their Permanent Secretary to seek to resolve it in the first instance. For example, if it is a junior Minister, maybe a conversation between the Permanent Secretary and the Secretary of State. In the end, if none of that has worked or it is between the Permanent Secretary and the Secretary of State, I would expect it to be brought to me.

**Q17** **Ronnie Cowan:** Where we are going with this? When Philip Rutnam, who has 33 years in the Civil Service and has accused Priti Patel of swearing, belittling people, making unreasonable and repeated demands, where can he go with that or ultimately did he have to walk away from it himself?





## HOUSE OF COMMONS

**Sir Mark Sedwill:** You will understand I have to be very careful about commenting on the individual case. He has resigned and he has said—although I do not believe he has yet done so—that he is planning to bring legal action against the Government, so I have to be really circumspect in anything I say because it could obviously be material to any legal proceedings that follow.

Q18 **Ronnie Cowan:** The question is: where could he go with that or ultimately does he have to walk away?

**Sir Mark Sedwill:** No. Let me try to answer it in the general because I do have to be careful here about potential legal action. If a Permanent Secretary believes that their Minister's conduct has breached the Ministerial Code and they have been unable to resolve it with them in person, I would expect that Permanent Secretary to bring it to me and I would need either to intervene myself and discuss it with the Prime Minister or take whatever the appropriate action is. You will understand that I am talking about the general there because it would not be right to comment on the specific case. We have an ongoing investigation into allegations—as the Chancellor of the Duchy of Lancaster set out last week—about the Home Secretary and we have a potential legal action being brought by the former Permanent Secretary, so I have to be very careful about what I say on the individual case.

Q19 **Chair:** On that point, Sir Mark, could I ask in general terms: have you ever advised a Prime Minister of any complaints or investigations that either you or others have conducted into the behaviour of a Cabinet Minister before they have been appointed to Cabinet?

**Sir Mark Sedwill:** Again, you will understand my advice to the Prime Minister is always private and we never, ever get into specifics. However, of course when a Prime Minister is considering appointments, part of my role is to give them the advice I can on my knowledge of the individuals they are considering appointing across the range. I do not want to be more specific than that. You will understand that is always a private matter between the Prime Minister of the day and the Cabinet Secretary of the day.

Q20 **Chair:** Would it be a private matter if you were asked that at an employment tribunal?

**Sir Mark Sedwill:** I do not know. I would have to seek the advice of legal counsel in those circumstances. However, I would not expect private advice between the Cabinet Secretary and the Prime Minister to be subject to that kind of proceeding. Again, we will have to see.

Q21 **Chair:** Regardless of the outcome of this particular instance that Mr Cowan touched on, does it not show that the informality of this process is wanting and perhaps there is a need for a clearer definition of roles and responsibilities?



**Sir Mark Sedwill:** I do not think so because I think the current case is very bad law. This is clearly a very regrettable incident. I regret Philip Rutnam's decision to resign and hoped that it could have been avoided. We have to allow that case and, indeed, the other investigation to take their course. I do not think we should necessarily be trying to write further regulations around relationships that in the vast majority of cases are conducted professionally and in accordance with both the letter and the spirit of the various codes. There are tensions and difficulties. We deal with those when they arise. In general, I think the mechanisms we have available to us are adequate to the task and our expectation is that professional people, senior and experienced professional people, conduct professional relationships with each other.

Q22 **Lloyd Russell-Moyle:** You mentioned earlier on that Secretaries of State have a role in the appointment of Permanent Secretaries. Do they ordinarily use this role and what is the scope of their engagement?

**Sir Mark Sedwill:** Yes, of course. The answer is yes, and I would encourage it, as would the First Civil Service Commissioner if he were here. There were some revisions to the appointment of Permanent Secretaries in the 2010 Parliament but this is quite a well-established process. If a Permanent Secretary appointment were coming up, I would discuss with the Secretary of State of the Department concerned the job description, the pool of candidates they might wish us to consider: should it be an open competition, should it be done within the Civil Service? That will vary obviously from role to role, what exactly they are looking for in the Department.

That would then inform the initial advert and trawl for candidates. Once we get a list of people interested in a job we then run a process governed by the Civil Service Commission. Invariably for Permanent Secretaries this process is chaired by the First Civil Service Commissioner but it could be one of the other Commissioners. I would be involved or John would be involved, probably the lead non-executive director from the Department, whom we would also have consulted and probably another Permanent Secretary, a panel of that kind. We would go through a longlisting process and then down to a shortlisting process in the standard way.

Once we reached the shortlist, the general pattern—and again I always encourage this—is for the Secretary of State to meet the shortlisted candidates. They will have been through a series of other psychometric tests, staff engagement panels and so on. I would expect the Secretary of State to meet them. That is a structured conversation. It is fairly informal but either the First Civil Service Commissioner or someone from the Civil Service Commission attends that conversation to ensure that it is being conducted fairly towards all of the candidates.

The Secretary of State's reflections on those conversations with the shortlisted candidates are then one of the inputs to the final panel. The final panel is an interview with the shortlisted candidates, again chaired by the First Civil Service Commissioner with either John or I or sometimes





both on the panel. That panel then decides who is appointable, so who is above the line. The thing that changed in 2010 is, rather than making a single recommendation, we say to the Prime Minister, "X and Y are both appointable as Permanent Secretary of this Department" and then the Prime Minister decides which of X and Y to choose. That final part was a reform introduced in the 2010 Parliament. The Secretary of State is involved in a structured way in the design of the job, the selection of the candidates, and the final decision is made by the Prime Minister.

**Q23** **Lloyd Russell-Moyle:** Did Robert Jenrick, the Community Secretary in the recruitment for Melanie Dawes's successor, make any comment on the role description in the first part of that stage in recruitment?

**Sir Mark Sedwill:** He and I had a significant conversation about it, just as I have described. That was in some ways the one I had in mind.

**Lloyd Russell-Moyle:** Perfect.

**Sir Mark Sedwill:** Exactly that, Mr Russell-Moyle.

**Q24** **Lloyd Russell-Moyle:** Are there circumstances when maybe a Secretary of State should recuse themselves from the process? I suspect if they knew a candidate at an intimate level, but beyond that?

**Sir Mark Sedwill:** I cannot think of an instance where that has been necessary. That is partly why the whole process is governed by the Civil Service Commission and why there is always either the Commissioner or one of their staff in the meetings between the Secretary of State and the candidates. After those meetings, it is rare for the Secretary of State to say, "I like A and B and I do not like C". What they are encouraged to do—and invariably do in my experience—is say, "Here are the areas I liked about A and here are the areas I think the panel should explore, my concerns about A". The same with B and the same with C. It is essentially their reflections on the candidates, who by that stage are shortlisted and presumably therefore credible, for the panel.

It is quite common, of course, for Secretaries of State to have some knowledge of candidates. Maybe not intimate friendships and so on, although that obviously does happen from time to time. It is quite common because Government is an area where people are often working together over long periods and they would usually declare that. Again, that would be governed by the Civil Service Commission.

**Q25** **Chair:** Sir Mark, would you describe yourself as the line manager for Permanent Secretaries?

**Sir Mark Sedwill:** I am the line manager for them. Yes, that is part of my role. I am in charge of the annual appraisal process and so on.

**Q26** **Chair:** There is an appraisal process?

**Sir Mark Sedwill:** Yes.

**Q27** **Chair:** Have you ever conducted performance management as a result of



those appraisals?

**Sir Mark Sedwill:** Yes. Sorry, I know that was a very short answer. I presume you mean performance management where there is a concern. All of us have developmental issues, as any senior leader. What we have done, and one of the changes I introduced when I took this job, was to use the lead non-executives in a more intensive role in helping appraise Permanent Secretaries because they have a huge amount of experience. That is the way you tend to do it in the private sector. They will collate a lot of the information. Then with every Permanent Secretary I would say, "Here are the things you are doing well. Here are the things you need to work on". The answer to what I think is the question is, yes, I have had to have conversations where someone's performance has been off the pace, and how do we work to address that?

Q28 **Chair:** Have they moved?

**Sir Mark Sedwill:** Yes.

Q29 **Chair:** Has it ever been the subject of any tribunals thereafter?

**Sir Mark Sedwill:** Not in my time.

Q30 **David Mundell:** To follow on that, Sir Mark, how does that work in relation to the Permanent Secretary of the Scottish Government and the Welsh Assembly Government? Because they are accountable to Scottish and Welsh Ministers.

**Sir Mark Sedwill:** Essentially, Mr Mundell, the process is the same. The difference is that it is the First Minister of the Scottish and Welsh Governments who make the final decision as opposed to the Prime Minister. The process and the relationship between me and them, I am still their reporting officer, so the First Minister in those circumstances is playing both the role of the Secretary of State, which I described in answer to Mr Russell-Moyle, and taking the final decision that the Prime Minister would take in the other jobs.

Q31 **David Mundell:** For clarity, you are the line manager of the Permanent Secretary of the Scottish Government and the Welsh Assembly Government?

**Sir Mark Sedwill:** Yes. I am not of the head of the Northern Ireland Civil Service because that is separate entity. I am the line manager of the head of the Northern Ireland Office but not of the Northern Ireland Civil Service because, as you know, the Northern Ireland Civil Service is a separate entity from the GB Civil Service.

Q32 **David Mundell:** How does that work in the context of the Scottish Government, for example, pursuing diametrically opposed policies and positions from the UK Government? How can you appraise the Permanent Secretary on that basis for carrying out policies and positions that are contrary to the ones that you have been instructed to carry out on behalf of the UK Government?



**Sir Mark Sedwill:** It is a great question. The job is to carry out the policies of whichever Government you are working for. If the general election result had gone the other way, we would be carrying out a very different programme from the one that we are carrying out now, and that is the job of the permanent Civil Service. My job is to make a professional assessment of the professional performance of the Permanent Secretaries of the Scottish and Welsh Governments in pursuing the policies of their Governments, ensuring that we are operating in the most collaborative way that we can and assessing their contribution as senior leaders in the broader Civil Service. One of them will always sit on the Civil Service Board that John chairs, or the Senior Leadership Committee, so they have broader corporate roles as well. I do it essentially just as I would do it for any Permanent Secretary.

Q33 **David Mundell:** If the Scottish Government had indeed managed to stop Brexit, you would have given the Permanent Secretary a five-star rating for achieving that?

**Sir Mark Sedwill:** That would have rather depended on whether the Scottish Government claimed the credit themselves or gave the credit to the Civil Service.

Q34 **David Mundell:** I am pretty sure of where that claim would have rested. As a follow-on, can I ask Sir John a question on an issue that he knows I have previously been interested in, and that is the sustainability of the one Civil Service, for the very reasons that we have been discussing? Do you think, in the context now of where devolved settlements have reached, with devolved Administrations pursuing diametrically opposed policies to the UK Government, and often being the harshest critics of the UK Government and therefore their fellow civil servants, that it is sustainable to continue with the one Civil Service model?

**Sir John Manzoni:** I think it is important that we do, because this Government's position is that the Union is an important institution. Of course there are tensions and of course there are discussions. There are different human resource policies in Scotland, but we work through those and it continues to be a very important aspect of the Civil Service, having one Civil Service reaching right across the United Kingdom.

Q35 **David Mundell:** Is there anything specific you think that would strengthen it, actions that you are taking or could take?

**Sir John Manzoni:** Yes. I think a greater presence, particularly a greater presence in the devolved Administrations, and we are doing that. As you know, we have a big office opening in Edinburgh, in Cardiff and in Belfast, the hub process. A greater distribution of civil servants from Whitehall into the devolved Administrations is going to be very important, and that is on the agenda and we are working that through as we go forward. That is the obvious step.

There ought to be—and this will be a political decision—a conversation about the policies. If this Government's position is that we need to



strengthen the Union, we need to have the conversations. Rather than just ask, "How does that policy look through a devolved Administration's lens?" we should be thinking about policies that specifically strengthen that Union. We are not quite there yet but that is the role of the Civil Service to start generating those things. That depends on the creativity and the imagination of the civil servants across working in tandem with our Scottish, Welsh and Northern Irish colleagues.

**Q36 David Mundell:** That is a challenge when the devolved Administration policy is diametrically the opposite.

**Sir John Manzoni:** Of course it is a challenge, but the one Civil Service is one thing that is across the United Kingdom and I think that should stay and we should reinforce it.

**Q37 Mr David Jones:** A couple of questions. Are there still secondments from, for example, the Welsh or Scottish Governments to Whitehall and vice versa?

**Sir John Manzoni:** Yes, there are. We do it annually. I am afraid I do not have the exact numbers, I did not check. We do it annually and the intent is to beef that up and do more of it. I would say at the moment we are not satisfied that we have enough of the civil servants that look back to Whitehall in the devolved Administrations. We want to strengthen that in the next phase and that is part of our plan.

**Q38 Mr David Jones:** Sir Mark, are there still weekly meetings of Permanent Secretaries?

**Sir Mark Sedwill:** Yes, more than. We have a weekly meeting of all the heads of Department and sometimes every couple of weeks of the wider group of Permanent Secretaries, including some of the specialists.

**Q39 Mr David Jones:** Presumably, at those meetings delivery of Government policy is discussed?

**Sir Mark Sedwill:** Yes, we will brief on what has happened in Cabinet, we will talk about the main issues of the day. We will often talk about Civil Service capability or some of the main issues. Inevitably, we have been talking about Coronavirus most recently. That has tended to dominate the agenda.

**Q40 Mr David Jones:** Do the Permanent Secretaries of the Welsh and Scottish Governments attend those meetings?

**Sir Mark Sedwill:** Yes, usually. If there are areas of policies that are delicate in that sense, we must not put them in a position where they feel conflicted and we will avoid those conversations and have those in a slightly different group. One has to just manage these things. It was particularly the case during the 2014 referendum that we had to be very careful about that. If we are talking about domestic policies, for example, there is a meeting coming up that we are trying to work through about social care or homelessness or whatever it might be, even if those issues are essentially



Whitehall, it is only focused on England or maybe England and Wales in some cases, it is useful to have the insight and the input from the other devolved Administrations because, in those areas of policy, social policy, we are often working in partnership rather than in the hierarchical sense. We make a judgment case by case.

**Q41 Mr David Jones:** In cases of sensitivity you convene separate meetings of Permanent Secretaries?

**Sir Mark Sedwill:** Yes, but that in a sense is no different from having a meeting on Coronavirus, for example, which has the Permanent Secretaries who are relevant to that particular issue, or something on national security or something on an economic issue. We do not make everyone come to everything. We tend to use those full meetings, as most big organisations would, as essentially information-sharing meetings.

**Q42 Lloyd Russell-Moyle:** Is the head of the Northern Ireland service invited to those meetings?

**Sir Mark Sedwill:** Yes.

**Q43 Lloyd Russell-Moyle:** In that regard you treat it as one Civil Service but you have a separate line-management structure for them. They are a separate service. Therefore, why is it so important that Wales and Scotland are not a separate service if you are able to treat it as one union in some regards with Northern Ireland? Sir John, you mentioned that it was important to the Union. The biggest threat to the Union is Northern Ireland leaving, not Scotland and Wales in my view, if "threat" is the right word. Why not allow the Scottish Civil Service and the Welsh Civil Service to have the same kind of status as the Northern Ireland Civil Service?

**Sir Mark Sedwill:** John may wish to add something. I might make a couple of points to start, Mr Russell-Moyle. It is essentially a historical issue. The Irish Civil Service was separate; the Northern Ireland Civil Service then continued to be separate after 1922. It has arisen for no better reason, in a sense, than the circumstances at the time. What we endeavour to do is bind the Northern Ireland Civil Service into the broader Civil Service to ensure that they have access to the broader talent pool and thinking and so on and create that sense of collegiality across the entire UK.

There are many issues in which we do govern as a UK as a whole. Of course some domestic policy issues are devolved, very significant ones. In that sense, parts of Whitehall are just governing England. Certain Departments in Whitehall are just responsible for those services and issues in England. Other Departments in very significant areas of work, including the area that I spent most of my career in, are UK-wide. One of the jobs of a Cabinet Secretary anyway is to try to see the connections between all these things. One of my obsessions is to try to ensure that we look horizontally as effectively as we tend to look vertically. Anything that increased the vertical boundaries, sharpened the vertical boundaries and made it harder to work collaboratively across the United Kingdom on some of the issues that affect us all, I think would be an error.



Q44 **Lloyd Russell-Moyle:** Does the Northern Ireland service having this historical separation make it harder?

**Sir Mark Sedwill:** In some areas it probably does. We have to make a greater effort. I think we do it well but we have to make a greater effort to ensure that they are properly brought into the collaborative enterprise.

**Sir John Manzoni:** Increasingly, we are deploying the commercial expertise or the technical expertise or the project expertise right across, including into the Northern Ireland Civil Service and that is strengthening the bond, so I would go the other way.

Q45 **Lloyd Russell-Moyle:** With the Welsh and Scottish services, say a relationship occurred that was similar to the relationship that has been alleged in the Home Department here, would they then report to you, Sir Mark, if there was a difficulty; say if the First Minister was misbehaving in any particular way?

**Sir Mark Sedwill:** Essentially exactly the same principles and so on would apply. In the end, as I said, one would always hope that it was possible for these things to be resolved between a Permanent Secretary and their responsible Minister, whether it was the Secretary of State or, as you say, the First Minister in that hypothetical example, but if necessary the Cabinet Secretary would become involved.

Q46 **Lloyd Russell-Moyle:** In the recent or longer past, has a Permanent Secretary in Scotland or in Wales had to report any misbehaviours of their First Minister to you?

**Sir Mark Sedwill:** You will understand, particularly in the light of events this week in the Scottish courts, I have to be very, very careful. All I can say is that the Permanent Secretary of the Scottish Government—certainly in my time and, as I understand, her predecessors and mine—have applied exactly the same system that I described to you.

Q47 **Ronnie Cowan:** You mentioned earlier that Whitehall was expanding or increasing its footprint in Scotland and I am wondering—to back up what Mr Mundell said earlier—is that role of the expanded Civil Service, coming out of Whitehall, to support the democratically elected Scottish Government in its manifesto or is it to support the UK Government's manifesto?

**Sir John Manzoni:** Primarily, it will be the UK Government presence in Scotland but in so doing will, therefore, be cheek by jowl with their colleagues in the Scottish part of the Civil Service. Therefore, relationships will improve and all of that will get better.

Q48 **Ronnie Cowan:** It is hard to see relationships improving when one is going in one direction and the other is going in the opposite direction.

**Sir Mark Sedwill:** Might I add a point to that? It is important. Of course there is a different position between the two Governments on the eventual status of Scotland, but in terms of the governance of the United Kingdom





the First Minister of Scotland, and indeed the First Minister of Wales, is concerned with the good governance of the United Kingdom. If I can use Coronavirus as an example, they have been involved in the ministerial COBRAs. Their officials will be involved in the COBRAs, and are involved in the COBRAs that I chair. We should not see everything through the lens of the issue of the status of Scotland, which is the issue that divides the two. Fundamentally, although the policies vary, all the Governments of the United Kingdom are seeking to pursue policies about the governance of the United Kingdom.

The First Minister of Scotland and indeed the First Minister of Wales have always been clear that they expect us to support them within the current governance arrangements of the UK, even though the First Minister of Scotland obviously has a different view as to the eventual status of those arrangements. She wants good governance for now, supported by the Civil Service. We have been working not just to try to extend Civil Service presence into Scotland, Wales and Northern Ireland but to get more of it out of London into other regions of England. Part of my agenda has been to engage the wider public service leadership with the Civil Service leadership. In a sense, it is a refinement of the answer to Mr Russell-Moyle, to create that sense of common endeavour across the wider public service not just thinking about the Civil Service itself.

**Q49** **Ronnie Cowan:** You mentioned earlier that you are the reporting officer of the Permanent Secretary of the Scottish Government, Leslie Evans. Is there anything that she would not report to you or any conversations that she can have in complete privacy with the Scottish Government, with the First Minister, that you would not expect to be privy to?

**Sir Mark Sedwill:** Yes, for example, if they were discussing a policy matter that was entirely within the Scottish Government. That would also be true of other Permanent Secretaries with their Secretary of State. These relations have to be relationships of confidence. I do not expect Permanent Secretaries to be back-briefing me on every conversation they have with the Secretary of State, particularly when these are delicate policy matters where a Secretary of State or, in the case you refer to, the First Minister, is still formulating their policy. All relationships have to have elements of them that are in confidence. That is part of building trust and confidence between people. I would expect Permanent Secretaries across Government to be able to do that with their Minister.

**Q50** **David Mundell:** On a slightly separate topic, Sir Mark, there has been considerable criticism of what is sometimes termed your double-jobbing, in the sense that you are carrying out two of the most important roles in Government. How do you respond to that criticism?

**Sir Mark Sedwill:** I do not recognise the description of it as double-jobbing, to be perfectly honest. The Cabinet Secretary's portfolio has flexed over time according to the circumstances of the time. My immediate predecessor, Jeremy Heywood, partly because he was supporting the coalition Government—and that was a particularly complex role for a



## HOUSE OF COMMONS

Cabinet Secretary and had not been done for a very long time—for a period, alongside him you had a separate head of the Civil Service, a separate Permanent Secretary of the Cabinet Office and a separate National Security Adviser. Gus O'Donnell, his predecessor, covered not only all those responsibilities, all of my portfolio, but the whole of John's as well. He was Permanent Secretary of the Cabinet Office too.

What we have as colleagues is we have built a strong team around us, as our predecessors had, who are real specialists in foreign policy, domestic security and so on at very senior levels—DG and Permanent Secretary or Second Permanent Secretary level. In my view, that is the appropriate way of supporting the Prime Minister and the Cabinet in this period. My portfolio essentially mirrors, reflects, the Prime Minister's responsibilities. Therefore, I can support him across the board. As I said earlier, part of my job is to see the connections between things that might not necessarily otherwise be seen as connected. Climate change we tend to see as an environment issue; it has huge global security implications. That is one of the things I can try to bring to the job.

Q51 **Chair:** In addition to what David has just asked, when you were full-time National Security Adviser, who was the Cabinet Secretary?

**Sir Mark Sedwill:** Jeremy Heywood.

Q52 **Chair:** It was two jobs then?

**Sir Mark Sedwill:** Yes.

Q53 **Chair:** In answer to Mr Mundell you indicated it was one job and it was not double-hatting.

**Sir Mark Sedwill:** Because, as I said, the Cabinet Secretary's portfolio has varied over time. Before 2010, there was no separate National Security Adviser. There was a Foreign Policy Adviser to the Prime Minister. There is again now. There was a separate Domestic Security Adviser. There is again now. The point I was making was that Jeremy Heywood's job, or his portfolio, was focused partly on the circumstances he was dealing with, in particular as Cabinet Secretary supporting a coalition Government. Gus O'Donnell, his predecessor, had a much broader portfolio even than the one I have. He was responsible for national security as well, as was Robin Butler, as were most of my predecessors.

Q54 **Chair:** Excellent. Who is the current Deputy National Security Adviser?

**Sir Mark Sedwill:** I have more than one.

Q55 **Chair:** It is not vacant?

**Sir Mark Sedwill:** No. There is a deputy who is the Prime Minister's International Affairs Adviser, David Quarrey. There is a deputy who is the Prime Minister's Resilience and Security Adviser.

**Chair:** That is fine; I am sure they are all marvellous.



## HOUSE OF COMMONS

**Sir Mark Sedwill:** Beth Sizeland, who has just been appointed. That may be why you think it is vacant, because we just appointed her predecessor to the Northern Ireland Office. We were just rotating that.

**Chair:** It is well staffed at the moment?

**Sir Mark Sedwill:** Yes.

Q56 **David Mundell:** Are you clear, Sir Mark, that there has never been a position where performing one of those roles has been to the detriment of the other role? Because there was some media speculation, shall we say, that you were not able to focus so clearly on the issues we discussed earlier in the Home Office because you were performing National Security Adviser duties elsewhere?

**Sir Mark Sedwill:** No. Apart from anything else, in the modern era one is in constant—sometimes too constant—contact. Even though I was on leave for part of the time the particular incident that you are referring to developed, and I would have been on leave whether I was just National Security Adviser or just Cabinet Secretary, I was in constant touch throughout that. I do not think the nature of my portfolio affected my engagement with that issue.

Q57 **David Mundell:** Do you think this is an optimum situation, the performance of these two roles by one individual?

**Sir Mark Sedwill:** I think it is right for these circumstances and it is right given the experience I bring to this job in these circumstances. It will doubtless change again in the future as it has in the past. The balance between these jobs has changed in the past and again, I suspect, may well change in the future but we think this is the right arrangement at this stage.

Q58 **Chair:** Did you say that one of the Deputy National Security Advisers was Madeleine Alessandri?

**Sir Mark Sedwill:** She was. She is now the Permanent Secretary of the Northern Ireland office; she has just been appointed.

**Chair:** I recommend the Cabinet Office website be updated in that case. Rachel Hopkins now, please; our next line of conversation.

Q59 **Rachel Hopkins:** I have a question around SPADs. There is a new HR official being recruited with specific responsibility for SPADs. Can you tell me about that role?

**Sir Mark Sedwill:** Yes. We have been trying to improve the HR support for special advisers over several years. There was a new contract for special advisers agreed in July 2019. We have been trying to provide more professional HR support to them. We did not really have that before. There was not a single mechanism to do so, so important issues like maternity leave, like entitlements and so on, were not being governed across Government in a completely coherent way. They were employed under a variety of arrangements by different Departments. This HR recruitment,



## HOUSE OF COMMONS

which is a grade 6, 7 or 8, just below the level of a senior civil servant, is to provide some additional capability in that role.

Q60 **Rachel Hopkins:** How is the Prime Minister's right to withdraw consent for SPADs' continued employment reconciled with their statutory employment protection?

**Sir Mark Sedwill:** SPADs' roles are partly defined in CRAG, the Constitutional Reform and Governance Act. Essentially what that says—but I am not an employment lawyer so forgive me if I do not get the technicalities right—is that they serve with the consent of the Prime Minister, so that consent can be withdrawn. If it is withdrawn, employment rights about any financial settlement and those kinds of things apply.

**Sir John Manzoni:** They have statutory rights and that is how the contract is written.

Q61 **Rachel Hopkins:** You have been undertaking a review of SPADs, including terms of employment. What is the whole scope of that review and when is it going to be complete?

**Sir Mark Sedwill:** It is not a capital R review in that sense. What we have been doing is trying to improve the professional support that we provide to special advisers and bring more coherence and consistency to the way they are employed. The Special Advisers Code is revised from time to time and the new contracts, which is now a standard contract that we believe is properly commensurate with employment law in a way that perhaps some were not in the past, has been in place since last year.

Q62 **Rachel Hopkins:** Do you find SPADs typically join a trade union?

**Sir Mark Sedwill:** I got this wrong in answer to a question when I was here before. Some do and some have joined, for example, the First Division Association. I do not know how many but they are certainly entitled to do so.

Q63 **Chair:** You mentioned the review. You wrote to my predecessor in the last Parliament and it was "Review" with a capital R, so one assumes that that was a definite article of the review and you are still saying that review is going on.

**Sir Mark Sedwill:** It was completed. I cannot remember exactly when I wrote to your predecessor, Mr Wragg.

**Chair:** In the last Parliament.

**Sir Mark Sedwill:** Yes, but I cannot remember when in the last Parliament. Essentially, that exercise was what led to the new model employment contract that was introduced last year.

**Sir John Manzoni:** As we brought them into the Cabinet Office, so they are now all employed under the new contract.



## HOUSE OF COMMONS

**Sir Mark Sedwill:** Exactly, centrally by us rather than being employed separately. It also will have led to some of the amendments to the Special Advisers Code.

Q64 **Rachel Hopkins:** Bearing that in mind, how will incidents like the one involving Sonia Khan be resolved in the future?

**Sir Mark Sedwill:** You will understand, for the same reasons as in response to other questions, I cannot get into the detail of a specific case because that is subject to legal proceedings. Any special adviser who is relieved of their duties—and that can happen if the Prime Minister, who in the end has to maintain their consent for them to be employed—then, as we were saying, their statutory employment rights apply. That is the case with all special advisers. You will understand I do not want to comment on one individual case.

Q65 **Chair:** CRAG makes it clear that it is the appointing Minister who is responsible for the conduct, behaviour and discipline of the SPAD attachment.

**Sir Mark Sedwill:** They are, but they are all employed, in the end, with the consent of the Prime Minister. Since 2010 there has also been a role for the Prime Minister's Chief of Staff, who of course is a special adviser as well, in overseeing all of that.

Q66 **Chair:** Do you think the Ministerial Code will therefore need to be redrafted or CRAG needs to be redone, if it is Ministers who are the ones doing that these days?

**Sir Mark Sedwill:** As you would expect, special advisers work both as part of the collective Government and, as John was saying, are now under an employment contract from the Cabinet Office. Typically, they will be people who have a close relationship and are at the confidence of their Secretary of State or the Minister concerned and you would expect the Minister concerned to take responsibility for them for their conduct. To go back to the very first set of conversations we had today, if there were concerns raised about the conduct of a SPAD, you would expect that to be raised in the first instance with the Secretary of State concerned but we do have a central mechanism if it is required. Nobody has given me any advice, Mr Chairman, on whether we need any revision to CRAG. I do not think we do but if there is anything of that kind I will write to you.

Q67 **Chair:** The Prime Minister's SPAD can dismiss another SPAD. Is that what you are saying?

**Sir Mark Sedwill:** The Prime Minister can take that decision. Obviously the Prime Minister can take advice from whom he wishes.

Q68 **Mr David Jones:** Is the Prime Minister able to delegate that discretion to his Chief of Staff?

**Sir Mark Sedwill:** The discretion rests with the Prime Minister.



## HOUSE OF COMMONS

**Mr David Jones:** Yes, but is he able to delegate the operation of that discretion to his Chief of Staff?

**Sir Mark Sedwill:** No. In the end, the Prime Minister has to be the one who takes the decision.

Q69 **Mr David Jones:** Therefore, any discretion made by his Chief of Staff would be referred back to him for approval?

**Sir Mark Sedwill:** Any decision taken by his Chief of Staff or, indeed, anyone operating on his behalf has to operate with his authority.

**Mr David Jones:** With his specific approval?

**Sir Mark Sedwill:** That would be between them but, in the end, if it is with his authority then of course it is with his approval.

Q70 **Chair:** Is that relationship governed under CRAG, in your view? Is that relationship between the Prime Minister's special advisers and the Prime Minister governed under CRAG?

**Sir Mark Sedwill:** CRAG applies to all special advisers and to the No. 10 special advisers as well, yes.

Q71 **Chair:** Do you see yourself as an enforcer of CRAG at No. 10?

**Sir Mark Sedwill:** I try not to be enforcer in the way that you are describing it. I try to ensure that the system is working.

Q72 **Chair:** Is the system working?

**Sir Mark Sedwill:** Again, just as we were describing with the Secretary of State or a Department, if there are concerns, if things are not working, my job is to deal with those, take it to the Prime Minister if I need to, and resolve it. The Prime Minister is the ultimate arbiter of the Ministerial Code and, obviously, all I can do is advise him.

Q73 **Chair:** Is that going swimmingly at the moment?

**Sir Mark Sedwill:** Different people have different views on that.

Q74 **Chair:** What is your view? I cannot invite everybody here.

**Sir Mark Sedwill:** No, but there is always speculation and controversy about these things. I think the Government are proceeding well, relationships are good, and the Civil Service is supporting Ministers generally. If you look at the things that we are dealing with at the moment—notably the coronavirus outbreak—the system is working pretty well.

Q75 **Ronnie Cowan:** We cannot have coronavirus every year. Eventually we are going to have to go back to Brexit, are we not?

**Sir Mark Sedwill:** Do I take that as a rhetorical question, Mr Cowan.

Q76 **Ronnie Cowan:** We are looking at public money and how it is being spent





in the recruitment of SPADs. There is talk of a new SPAD website. How is that going to be handled?

**Sir Mark Sedwill:** I am relieved to say that is nothing to do with us. It is a Conservative Party matter. Special advisers are appointed by Ministers, the Prime Minister and Ministers, on a Government mechanism. How they are identified is a matter for the politicians themselves. That website is a website that is contracted, I believe, by the Conservative Party.

Q77 **Ronnie Cowan:** Who pays for it?

**Sir Mark Sedwill:** The Conservative Party.

Q78 **Ronnie Cowan:** Conservative Party money pays for it. Hanbury Strategy and Communications is involved?

**Sir Mark Sedwill:** By the Conservative Party.

Q79 **Ronnie Cowan:** Hanbury Strategy and Communications is appointed by the Conservative Party and it is run by Dominic Cummings, who it met with during the Vote Leave campaign, and it is responsible for filtering through people who potentially could become SPADs?

**Sir Mark Sedwill:** Different parties and different Governments and indeed different Ministers do this in different ways. Often people will bring in special advisers whom they have simply had personal contact with, they have worked with as researchers, and they have worked in party research departments and so on.

Q80 **Ronnie Cowan:** That is traditionally how it was done. That was open to criticism of nepotism and jobs for the boys and old-school network and so on.

**Sir Mark Sedwill:** I know, for example, one of my Secretaries of State, Jack Straw, for whom I was the Private Secretary, did run a recruitment process where he recruited one of his special advisers whom he had never met before. Different Ministers and different Governments have done it in different ways. As far as I see it, this is simply a means whereby this Government are using a process governed by the Conservative Party, using a contractor, to try to identify a pool of people they want to potentially consider as special advisers. That is entirely a matter for them. Once they identify the people they want to recruit as special advisers, our job is to bring them into the system, recruit them professionally, and support them professionally and so on, but the identification of them is not a matter for us.

Q81 **Ronnie Cowan:** If this has been run—maybe it is the wrong term—by the Conservative Party, you would not have any control over the wording of the job adverts, the filtering process to see who gets to interview stage.

**Sir Mark Sedwill:** No.

Q82 **Ronnie Cowan:** The setting of salaries?



**Sir Mark Sedwill:** Salaries are a governmental matter and there is a salary scale and there are various rules around that. How Governments identify and choose their special advisers is not a matter for the Civil Service.

Q83 **Ronnie Cowan:** What about other potential contracts taken on by Hanbury, where they are running this Government contract at the same time?

**Sir Mark Sedwill:** I do not think they are doing any Government contracts.

**Sir John Manzoni:** I have not checked but I can do. I am not sure that they do.

**Sir Mark Sedwill:** If they had any Government contract, that Government contract would have been procured through all the normal Government processes, but this is entirely a party matter.

Q84 **David Mundell:** Notwithstanding Mr Sabisky, who we will come on to shortly, Sir Mark, do you think the Government will benefit from having more weirdoes and misfits as part of them?

**Sir Mark Sedwill:** I like Gus O'Donnell's response to that. He pointed out that people who mostly work long hours for less money than they would get somewhere else might fit at least one of those descriptions.

I would not necessarily use exactly that language, but the idea of trying to encourage people who would not naturally think of it to come into public service and to make a contribution to our national endeavour is a good one. We have to try to manage that in a professional way and ensure that those people, whoever they are, are bringing in expertise that the Government as a whole can benefit from.

That has often been the case. We have large numbers of contractors—many of them work directly for John—and experts in other areas. Anything that widens the aperture of public service and encourages more people to think of public service as something they want to spend part of their career doing is a good thing.

Q85 **David Mundell:** Obviously, there is a focus there to try to do that within the special adviser network. What are you doing within the areas of your own responsibilities to try to encourage that?

**Sir Mark Sedwill:** We bring in a lot of experts. John might be better placed to answer that, but we have brought in a lot of experts in digital, in commercial and in HR from the private sector and other areas. John?

**Sir John Manzoni:** In the last few years, as a result of the structures that we have set up across Government, there are now places for young people or indeed any aged people to come into Government and contribute if they are a property expert or a communications expert or an expert in human resources, technology, security or projects—

**Sir Mark Sedwill:** The Government Digital Service.



**Sir John Manzoni:** —the Government Digital Service, all of the range of skills. We have set up inside the Government career paths and accreditation processes, so that there is somewhere for those young people to progress and they can see a career in Government, which is a massive step forward because actually most of the rest of the world is organised like that. It used to be rather hard to break into the Whitehall thing. We have restructured it completely. We have hired 400 senior commercial specialists. They are now distributed across the Government from the outside markets and thousands of technology and project people.

Q86 **David Mundell:** Disruptive individuals are welcome in the Government?

**Sir John Manzoni:** They just bring specific expertise. They bring particular knowledge, domain expertise and experience, and that is all good. Some of them might be weirdoes and misfits. I have not met them all.

Q87 **John Stevenson:** Just on the theme we have been talking about, the employment contracts for the SPADs coming to be centralised and the comments about trying to recruit across the Civil Service, is there an argument that the Civil Service should have one HR department?

**Sir John Manzoni:** That is quite a complicated question. We have set up one head of human resources for the Civil Service. That is the functional lead for human resources. It is not a department; it is a function. It has professional human resources people. That person, Rupert McNeil, manages the HR teams across the Government. Actually, the HR leaders in the Department work for the Department but they have a dotted line back to Rupert. He sits them all on an executive committee at the top.

Q88 **John Stevenson:** Do you think that it would be in the interests of the Civil Service and those working within it if there were one HR department? There would then be a consistency right across the Civil Service.

**Sir John Manzoni:** That is a different issue. If you are striving for greater consistency of pay ranges, employment contracts and such things, that is a very different issue from having one HR department. I do agree there has been a fractionation of human resources terms and conditions across our system. There are enormous complexities of bringing that back together. Directionally, that is probably what we should aim to do, but every department has a different employer. There is arbitrage across boundaries for like jobs because they pay differently. Those are terms and conditions that have suited those departments because they have particular requirements. Managing that from—

Q89 **John Stevenson:** In conclusion, is this something the Civil Service should be looking at?

**Sir John Manzoni:** We should be. In fact, we have stated that we are looking to converge, not to bring into one place in some rigid way but certainly to converge certain aspects of terms and conditions across the Civil Service. The main access through which that is done, by the way, is the access of the functions of the professions. If you are a technology



## HOUSE OF COMMONS

person, you can be deployed in the Department of Health or the Department of Education or the Ministry of Justice and you cannot be if they are all paid differently. We have to look down that lens and try and bring a coherence to pay and terms and conditions.

**Q90** **Lloyd Russell-Moyle:** On the SPADjobs.uk website, a website set up by the Conservative Party, the application process is listed and it says, "The final stage of the process will be an interview with the Downing Street Director of Communications, who will ultimately be responsible for all hiring decisions". The answer that you gave earlier on, Sir Mark, was that the Prime Minister is responsible and others might act on their behalf.

Is the website here incorrect and misleading or is there a nuance that I am missing from your answer earlier on?

**Sir Mark Sedwill:** No, there is no nuance. The website is not a matter for me. The process by which they get to the point at which they decide who they want to have as special advisers is entirely a matter for the party.

**Lloyd Russell-Moyle:** Of course.

**Sir Mark Sedwill:** Once a decision is taken that X should become a special adviser then exactly the process I set out applies.

**Q91** **Ronnie Cowan:** The question remains: was Andrew Sabisky a SPAD or a contractor?

**Sir Mark Sedwill:** He was a contractor.

**Q92** **Ronnie Cowan:** The roles are the same?

**Sir Mark Sedwill:** No.

**Q93** **Ronnie Cowan:** Who can appoint contractors?

**Sir Mark Sedwill:** Every Department has contractors. The Cabinet Office has several hundred.

**Sir John Manzoni:** Four hundred and eighty.

**Sir Mark Sedwill:** Including, for example, the many who are experts in project management. There are some in No. 10. There are some in other Departments. They are brought in as experts for specific skills.

In this particular case—and again, we should not dwell too much on one case because the individuals concerned are entitled to confidentiality—he was a contractor on a day rate.

**Q94** **Chair:** The No. 10 appointment was a Cabinet Office responsibility, was it not?

**Sir Mark Sedwill:** He was appointed by No. 10.

**Q95** **Ronnie Cowan:** Appointed by No. 10?



## HOUSE OF COMMONS

**Sir Mark Sedwill:** No. 10, in Government, is a separate entity like another Department.

Q96 **Ronnie Cowan:** Who makes that decision?

**Sir Mark Sedwill:** I am not sure who made that appointment decision.

Q97 **Chair:** No. 10 is not a Department, is it, Sir Mark?

**Sir Mark Sedwill:** It is not a Department of state but it does operate as a separate unit for employment within the Government. Who exactly made the hiring decision I do not know.

Q98 **Ronnie Cowan:** Chloe Smith, Minister of State from the Cabinet Office, said the Prime Minister was not required to approve his appointment.

**Sir Mark Sedwill:** The Prime Minister does not get involved in the employment of contractors. As we said—

Q99 **Ronnie Cowan:** Would a contractor go through the same vetting process for security?

**Sir Mark Sedwill:** Anyone who works in the Government has to go through that process. Sometimes it is possible for people to be given, on the basis of the security clearance they already have, some kind of temporary or interim clearance. I believe in that case the security clearances were done.

Q100 **Ronnie Cowan:** They were done?

**Sir Mark Sedwill:** I believe so. I will let you know. I will write if I have that wrong.

Q101 **Ronnie Cowan:** It has been reported that he was not passed for security, but you can follow up on that. He was in meetings with officials in the Ministry of Defence.

**Sir Mark Sedwill:** Again, to be fair to him, we should not really spend too much time on one individual case but he and any other—

Q102 **Ronnie Cowan:** We have to learn from individual cases.

**Sir Mark Sedwill:** I understand, Mr Cowan, so let me try to make the point. He—or indeed anyone else—is only at meetings for which they have the appropriate security clearance. It is not who is in the meeting with him, whether it is people from the MoD or whatever. It is whether the issues being discussed are above or below a particular threshold and whether the people there have the appropriate security clearance to discuss those issues. A budget meeting is obviously a very different question.

Q103 **Ronnie Cowan:** Would you be able to let us know what vetting process he went through, particularly regarding security?



## HOUSE OF COMMONS

**Sir Mark Sedwill:** I would need just to check about personal confidentiality, but I will write to you with whatever I can to clarify that point.

Q104 **Ronnie Cowan:** Even let us know what the vetting process is.

**Sir Mark Sedwill:** Yes, I can answer that question now. Essentially, we have several levels. There is a basic employment check. That is not really security vetting but is just to check on people's status and so on. There is a counter terrorism check, which is the most basic.

There is then SC, which is Standard Clearance, I think—these things have been around for so long that you forget what the acronyms are—which you would expect most people working in Whitehall to have. That involves fairly extensive searches on them.

Then the highest level of vetting is called Developed Vetting, which used to be known as Positive Vetting, and that involves a series of interviews. That is the level that you require for access, for example, to national security information.

Q105 **Chair:** Does Developed Vetting involve vetting social media?

**Sir Mark Sedwill:** Developed Vetting involves a very extensive process. What I do not want to do is to reveal the exact extent of the searches that are made on Developed Vetting because, for obvious reasons, I do not want to indicate areas that people may—

Q106 **Chair:** No, I assumed it would have been fairly obvious, though.

**Sir Mark Sedwill:** Developed Vetting is looking at national security issues in the perspective it takes on everyone's conduct.

Q107 **Ronnie Cowan:** There is a difference between the suitability to do the job and a security clearance. Looking at the social media would have told you that the views he held on a number of topics including pregnancy, eugenics and race were not acceptable, and yet he was appointed.

**Sir Mark Sedwill:** It is important to distinguish between views that are deemed to be acceptable or unacceptable and whether those things amount to an actual security risk. Security clearance is a different thing. I accept the point, but it is a different issue to security clearance.

Q108 **Chair:** I want to be mindful of national security issues, but the Developed Vetting form is available online. I have just searched it now. But you would not want to elaborate as to the content of that.

**Sir Mark Sedwill:** You have it there. One can go through it. The point I am making, Mr Chairman, is I do not want to elaborate on all of the other searches and investigations that are made by the people doing the vetting, essentially behind the scenes, because to do so would potentially open us up to security risks. The form is essentially a personal declaration. That is only one part of any vetting process.





**Chair:** Okay, that is fair enough. Lloyd, did you have a final question on that?

Q109 **Lloyd Russell-Moyle:** I was a little confused. You said there is a difference between suitability and national security but, clearly, there comes a point where the two also come together. Prevent and other risk registers put racist, extreme right terrorism as one of our highest risks, just as high in some regards as Islamic terrorism, and those views are extremely dangerous to national security. Those views were some of the kinds of views that were expressed. Would there never be a point where it would say, "These racist views sound like they are causing a national security issue"?

**Sir Mark Sedwill:** Certainly in Developed Vetting those kinds of issues can arise. It is in Developed Vetting that there are very extensive interviews with the individual concerned and with others who know them, as well as the self-declaration and other searches. Then there is a judgment about whether those issues cross a national security threshold. We are very careful to distinguish between something that is a genuine security concern and something that is controversial. Of course those things can come together, but we have to be very careful about that in a democratic system where we are seeking to ensure that the vetting process does not discriminate against people.

Q110 **Lloyd Russell-Moyle:** If someone had expressed online support for jihadis or someone online had expressed a view that some of those views of ISIS around gender equality and things were acceptable, there would be a fine balance between whether they were acceptable or not?

**Sir Mark Sedwill:** I can see where you are trying to take me and the answer is of course, in those circumstances, it would be extraordinary if a high level of security vetting were applied and, indeed, security vetting would be removed, one would expect, if that kind of evidence arose. What I am trying to do, in fairness to the individual concerned, is to not get drawn into commentary on one individual and nor do we comment on the levels of vetting any individual has. That is why I am just trying to be careful here because it is not right to do so in a public forum, and we do not ever comment on the levels of security vetting of most civil servants. You can guess that mine is very high and John's is, but we do not tend to do that.

Q111 **Lloyd Russell-Moyle:** It is important partly because, in other parts of society and, more broadly, there is a concern in some communities that there is a higher bar put on expressions of support that are abhorrent on Islamic issues, for example, than a bar on abhorrent views that would be expressed on race differential, intelligence and so on. There is a perception out there that sometimes the state does not act fairly on these things. That is where I am trying to push you to say that actually you—

**Sir Mark Sedwill:** We do act fairly and, of course, the contract was withdrawn in a matter of days when those issues became apparent.



**Lloyd Russell-Moyle:** Via the press, yes.

Q112 **Tom Randall:** If I can go from special advisers to Ministers, junior Ministers are normally accountable to their Secretaries of State, but we do have some junior Ministers who are shared between the Foreign Office and the Department for International Development. To whom are they accountable?

**Sir Mark Sedwill:** Both the Secretaries of State. We have had joint Ministers many times in the past, including between those Departments in different Governments. I can think back to the Blair and Brown Governments, for example. They are accountable to both, just as someone in a joint unit would be accountable to the two Permanent Secretaries concerned.

Q113 **Tom Randall:** How does that work in practice? What provision is there for joint or pooled budgets for the works of those Ministers? Who acts as the accounting officer?

**Sir Mark Sedwill:** Usually, because the actual costs are relatively small compared with the overall budgets of Departments, there is just an agreement between the accounting officers as to who funds what. Let's say there are some DfID Private Secretaries in a Foreign Office Minister's Department. DfID would probably pay those salaries but they would be accountable for managerial reasons to the Principal Private Secretary and so on. In the case of the joint Ministers in the Foreign Office and DfID, several are on the Foreign Office payroll and one is on the DfID payroll, for example. It is essentially agreed between the Departments concerned.

Q114 **Tom Randall:** Just looking a bit more broadly, there have not been many changes made by this Government to the machinery of government, apart from the closure of the DExEU. Would you say that these sorts of changes are changes to the machinery of government by stealth?

**Sir Mark Sedwill:** No. As I said, we have had joint Ministers before. There is a programme of work that I am overseeing—and John has been involved in it as well—to try to ensure the overseas network comes together, so we have one HMG overseas. That is an endeavour we have been engaged in for some time to try to ensure that, wherever we are, we have a really coherent approach to the countries concerned.

One of the things we are trying to do is ensure, whatever Prime Ministers decide about the machinery of government, if you like the vertical boundaries between Departments, actually on the really big questions—whether it is climate change or some of the social policy issues—the horizontal structures and the collaborative structures are as effective. They have not always been in the past. People have had to tunnel through silos rather than work together. This was the underlying philosophy behind the Fusion doctrine in the national security area, but we are now trying to apply those same principles to other areas of policy as well. Therefore, while machinery of government changes will happen from time to time, we will ensure that the existing machinery of government—the vertical



boundaries—do not stop us working effectively across those boundaries.

Q115 **Chair:** I have to interrupt there because I understand what you mean about Ministers being between two Departments, but has there been an incident whereby all Ministers are shared between two Departments other than the Secretaries of State?

**Sir Mark Sedwill:** I do not know, but I recall that—

Q116 **Chair:** I would venture to say no.

**Sir Mark Sedwill:** —between the Foreign Office and DfID under the last Prime Minister, I do not think that all were but several certainly were.

Q117 **Mr David Jones:** Now that DExEU has been closed, where does the primary responsibility lie for managing the process of the UK's departure from the European Union?

**Sir Mark Sedwill:** John may want to say something about this, but essentially in two places. First, we have created a task force in No. 10 and the Cabinet Office supporting David Frost as the Chief Negotiator, and you will have seen that he has embarked upon that endeavour. That has a group of civil servants, some of them who were in DExEU previously, some from elsewhere in the Government, and so they are responsible for the negotiation of our future trading relationship, our future security partnership and so on with the EU.

There is a separate team in the Cabinet Office working under Michael Gove as the Chancellor of the Duchy of Lancaster, which is responsible for the implementation of the Withdrawal Agreement, including the Northern Ireland Protocol, and preparedness for 1 January 2021, because that is another important inflexion point. They work, in terms of accounting officer, under John's authority as the Permanent Secretary of the Cabinet Officer.

Then various other functions that were performed by DExEU and people have been distributed back out to the Departments that now lead them, but those two teams are essentially the two responsible for the negotiation and the implementation of the Withdrawal Agreement.

Q118 **Mr David Jones:** You mentioned the people. I know from experience that there was a particularly impressive team of officials in DExEU. How are you ensuring that their experience and expertise, which has now been amassed over a period of several years, are being applied in the departure process?

**Sir John Manzoni:** There were just a little over 800 people in DExEU on 31 January when it closed. They were, essentially, brought into the Cabinet Office, from where they were deployed to different places. In large part, the DExEU teams were focused in specific areas. Nearly 100 people came into the Cabinet Office and went into the Foreign Office, so that was an expertise that stayed together, focused on the Foreign Office things. A large number went to BEIS. A large number went to HMRC and different



## HOUSE OF COMMONS

Departments. We distributed nearly 300 people in that way in some quite large groups. Those groups of expertise were retained.

As Mark said, the negotiating team under David Frost was then assembled, partly out of the experts in DExEU but partly from elsewhere as well. The residual co-ordination function that was sitting in DExEU has shrunk. We have shrunk it because we have put more of the responsibility into the Department. It has shrunk but it has largely stayed a very similar group of people. They have carried on that level of expertise.

Q119 **Mr David Jones:** That is now part of the Cabinet Office?

**Sir John Manzoni:** It is now part of the Cabinet Office.

Q120 **Mr David Jones:** About 250, it has been reported. Is that about right?

**Sir John Manzoni:** It is fewer than that. I do not know what the final number is because they are still in the process of assembling it.

More people have come into the Cabinet Office. There are about 200 people who were corporate support for DExEU, the systems and the finances and the human resources and all of those things. Those are now in the Cabinet Office being distributed because we have to do some of that.

There is a group of people who are in none of the things that I have mentioned and they are being redeployed across the Government because the Government have vacancies all over the place. That is close to 250 people, who are being redeployed through a central human resources hub. That has proven very effective and we are redeploying those people across the Government now. The last time I checked, there were somewhere between 30 and 50 still to go, but they are being redeployed across Government.

**Sir Mark Sedwill:** I might just add one point. Some of the people who were in DExEU we have been using on the Coronavirus work because, of course, they did a great deal of contingency planning work over the past couple of years for the various No Deal inflexion points and contingency planning. That ability to look across is part of what we have been drawing on for Coronavirus on top of the mechanisms we already have.

Q121 **Tom Randall:** The Government committed in their manifesto to establish a constitution, democracy and rights commission. Can you tell me what preparations the Civil Service has made for this commission?

**Sir Mark Sedwill:** Ministers are still considering exactly the shape, timing and so on of that. He was due to but I do not know whether the Chancellor of the Duchy of Lancaster has written to you, Mr Chairman. He was due to write imminently.

Q122 **Chair:** He did write.

**Sir Mark Sedwill:** Fine.



Q123 **Chair:** It was not a particularly enlightening letter.

**Sir Mark Sedwill:** Essentially, we are in the process where we are advising Ministers on the policy options for that commission and then, once they have settled the approach they want to take, we will put in place the resources to carry out the programme of work.

Q124 **Tom Randall:** At the moment, you do not think you can enlighten us on the timescale or how long that process is going to take or when the commission might be created?

**Sir Mark Sedwill:** For no better reason than it is actually a decision that Ministers need to take and it would be wrong of me to pre-empt that.

Q125 **Tom Randall:** Have you got as far as identifying any budgets or resources for the commission or has that still to happen?

**Sir Mark Sedwill:** We have some that we would draw upon. It depends on exactly the approach Ministers decide to take to it and the degree to which, for example, there might be external experts drawn in to support such an endeavour, the timing they have and the nature of the Civil Service support. We are still at the planning and design stage and we need Ministers to decide which route they want to take forward. Then we will make sure we have the right resources and expertise in place to support whatever course of action they conclude.

Q126 **Tom Randall:** It has been indicated to the Committee that we would be consulted on the proposals for the commission. Would we still be given sufficient time to give a meaningful response to that?

**Sir Mark Sedwill:** I presume so. Again, that is part of the commitment that has been made and part of the advice that has gone to Ministers in terms of proceeding with that commitment.

Q127 **Mr David Jones:** Can we move to the Fixed-term Parliaments Act? The Government have announced that they wish to repeal the Act. However, there is a provision in the Act that there should be a committee established this summer to review its workings. Is it still intended that that committee should be formed?

**Sir Mark Sedwill:** Actually, in a sense, it is the same answer I just gave Mr Randall. We are giving Ministers advice on how to proceed with that. There are options for repeal. Is it repealed wholesale? Are there elements that would need still legislation? As you know, Mr Jones, there are elements of the Fixed-term Parliaments Act that are not controversial at all and are not the reasons for there being a cross-party consensus on repeal. Again, that policy work is being done and options are being put to Ministers and the question of the review of the Act and the committee is part of that consideration.

Q128 **Mr David Jones:** It may possibly be the case that the committee does not actually sit because it is overtaken by legislative events?



**Sir Mark Sedwill:** It would depend on what conclusion Ministers reach and then on what the business managers conclude about any legislative action that follows.

Q129 **Mr David Jones:** What sort of timescale would we need to work to before we make the decision on whether or not the committee should actually be formed?

**Sir Mark Sedwill:** Again, it depends on announcements that Ministers will make about how they intend to proceed with the Fixed-term Parliaments Act. The Act itself, for as long as it is in existence, has that commitment in it. The Committee has been considering whether you want to do further work in this Parliament on the nature of any changes or replacement to the FTPA. It is obviously a matter for you, but it is under active consideration in Government.

Q130 **Mr David Jones:** The point I am trying to make is that surely there is a cut-off point by which you have to decide whether or not you go ahead with forming the committee. I am just wondering when we arrive at that particular point.

**Sir Mark Sedwill:** I have not looked at whether there is a specific moment. As I recall—but I might not have this quite right—the commitment in the Act is for a committee to review it between June and November this year. That might be right. There is still quite some time until the latter end of that period, but I can come back to you if there is any specific moment on a critical path that is worth noting.

Q131 **Mr David Jones:** If you write to us on that, that would be extremely helpful. As you know, the suggestion that there should be a repeal of the Act has led to consideration about whether it is possible simply to repeal it and revert to the Royal Prerogative or whether it is impossible to resurrect the Royal Prerogative once it has been superseded by an Act of Parliament. What is your view on that particular issue? Do you think that it is possible for the prerogative to be revived?

**Sir Mark Sedwill:** The short answer is yes. The question is whether it is revived simply by repealing the Act or whether it has to be revived explicitly. That is a genuinely intricate question on which there are different precedents. That is part of the policy work we are working through.

Q132 **Mr David Jones:** That is a particularly interesting aspect of the whole thing.

**Sir Mark Sedwill:** As we discussed before, Mr Jones, there are areas of the prerogative that still operate within the context of the Fixed-term Parliaments Act because it was silent on certain elements such as what happens during the 14 days and so on. We are just working through all those questions and bringing advice to Ministers.

Q133 **Mr David Jones:** From the perspective of the Civil Service, as opposed to politicians, do you think that fixed-term Parliaments are a good thing?





**Sir Mark Sedwill:** The planning certainty that a fixed-term Parliament brought certainly had significant benefits and was probably part of the decision to go for multiyear spending reviews and to give ourselves longer programmes. I suppose, betraying our instincts, the Civil Service always prefers certainty—if we can get a bit of it—and predictability. That may just be part of our DNA that makes us a bit less disruptive than some of the people Mr Randall was referring to. From that point of view, predictability in parliamentary terms certainly has benefits and is a good thing.

Of course, there are elements of the Fixed-term Parliaments Act that worked—as we saw particularly over the last year—in ways that probably were not intended when it was drafted, particularly relating to the question of confidence and when matters of confidence would prompt an early general election. That does not mean the whole of the rest of the Act necessarily needs to be discarded. Much of the rest of the Act has some fairly prosaic procedures about the good conduct of elections which will need to be legislated for in some form.

Q134 **Mr David Jones:** The dissolution of the last Parliament was a particularly messy process for all concerned. What are your views about replacing prorogation or some other means of ending a term of Parliament in statute? Do you think that maybe they could be more carefully thought out than they were under the last piece of legislation?

**Sir Mark Sedwill:** The legislation is pretty clear on the end of a Parliament, in that dissolution takes place 25 days before the date of the general election. That is in statute. Of course, there is a question about whether there can be a period of prorogation before dissolution and that has often happened after wash-up and so on.

Of course, the question last autumn became controversial about the length of prorogation. There is no definition of the length of prorogation in the Act. We had not considered before the Supreme Court case that it was necessary to do so, but the Supreme Court obviously made a judgment that the length of that prorogation in those circumstances—they did say it was a one-off—was not appropriate, as we discovered.

I am personally sceptical about whether the correct answer is to legislate and to put a specific amount of time on it. Generally, our constitution works best when some flexibility is permitted according to the circumstances of the time.

If you think back, just to use a completely different example, to the foot-and-mouth crisis of 2001, there was a great deal of speculation—to put it politely—that the general election was going to be on a particular date, I think at the four-year point. Tony Blair, as Prime Minister, announced that he was not going to hold it then and would push it back several weeks in order to allow the foot-and-mouth crisis to be dealt with.



## HOUSE OF COMMONS

Writing all of those contingencies into legislation is quite a tricky thing to do, so we have always got to allow some latitude in determining these terms.

**Q135 Ronnie Cowan:** In March 2018, the JMC said there would be a review of intergovernmental relations. We still have not seen this review. When is it going to be published?

**Sir Mark Sedwill:** It is ongoing. Again, I am not sure whether the Chancellor of the Duchy of Lancaster has written about it. I think he was planning to. I think he has written about it. It is ongoing. The conversations with the devolved Administrations are ongoing. Again, it is a ministerial decision about when exactly it will be published.

**Q136 Ronnie Cowan:** What has the Chancellor of the Duchy of Lancaster written about it? I seem to have missed that.

**Sir John Manzoni:** The Department fully intends to. They agree it is important and they will make a decision.

**Sir Mark Sedwill:** It is part of a letter to the Chairman of the Committee, which I referred to earlier.

**Ronnie Cowan:** March 2018.

**Q137 David Mundell:** We commend the expertise of the officials in pulling together that letter because it, helpfully, did not tell us anything at all, particularly in relation to another issue, which, as you would imagine, is a particular interest of mine. That is what has happened to the Dunlop report, which I understand has been delivered to the Government. Earlier, shortly after Parliament came back, I asked the Minister what was happening with it and it was being considered. I note in the Chancellor of the Duchy of Lancaster's letter that it is still being considered. Is there a view that there is an optimum moment when that consideration can be shared?

**Sir Mark Sedwill:** Again, it is a political decision, I am afraid, so I am going to duck it. It is for Ministers to make a judgment about that. The Dunlop review does—as you know, Mr Mundell—talk about strengthening some of the structures within the Government. We are looking actively at exactly how we might do that. We do not have to wait until a report is published in order to pick up some of the workstreams that it sets out, but it is really for Ministers to decide, with the intergovernmental review, how they bring those together and the format in which they wish to publish them.

**Q138 David Mundell:** We would never know that those suggestions had been sourced from that report, would we?

**Sir Mark Sedwill:** I am sure you will wish to interrogate us on it when it is published, and we will answer all the questions that you might have about exactly how we have taken forward the recommendations in the report that we have adopted and so on at that time.



Q139 **David Mundell:** That is a confirmation that it will be published?

**Sir Mark Sedwill:** That is the intention, yes.

Q140 **David Mundell:** Also, Sir John referred to the Union and the Government have committed to also set out a Union devolution policy. Where is work on that and when, again, subject to political decision making, might we expect to see that?

**Sir Mark Sedwill:** Again, the same answer. That is quite a big piece of work and Ministers and the Prime Minister, as you may recall, as part of his own job, has decided he wants to take responsibility as Minister for the Union. The Chancellor of the Duchy of Lancaster has a particular role as well in that. That is a substantial piece of work that is ongoing and, again, Ministers will announce the timing, scope and so on, when they decide that.

Q141 **David Mundell:** Although we clarified earlier that No. 10 is not a Department as such, am I right to surmise that No. 10 will be responsible for these Union issues rather than the Chancellor of the Duchy of Lancaster?

**Sir Mark Sedwill:** No, the Chancellor of the Duchy of Lancaster's portfolio is actually very similar to the portfolio David Lidington had on these issues under the previous Government. Of course, as you know, he was focused at the end of the last Parliament very much on the Brexit and No Deal preparations, but the portfolio is now—at least on the Union matters—similar to David Lidington's when he was in that job. The Prime Minister retains overall responsibility for the Union, takes a close interest in it and will chair meetings and so on, on it, but the Chancellor of the Duchy of Lancaster has an important role and is the lead Cabinet Minister other than the Prime Minister on pulling the various issues together.

Q142 **David Mundell:** The responsibility for Union issues rests with the Prime Minister.

**Sir Mark Sedwill:** Exactly, yes.

Q143 **Rachel Hopkins:** Moving on to the census, the Order in Council directing the 2021 census was laid very late. Can you give us a reassurance that the ONS will have enough time to prepare for a census on 21 March 2021?

**Sir John Manzoni:** Yes, it has not changed the date of the census, which is 21 March 2021. That was because of the election, because of prorogation and various other aspects. That was why the secondary legislation was laid late.

Q144 **Rachel Hopkins:** The Deputy National Statistician told the House that he needed the legislation passed by April. The delay in laying the census order makes that impossible. What extra work has been done with ONS to ensure it can adequately prepare for 21 March 2021?

**Sir John Manzoni:** As you know, there is obviously a legislative programme but there is also a programme of work to make sure that the census can actually take place. Some of that is digital as well. There is



some flex in that programme. That is why they are holding the date of 21 March 2021 as the census date. They are still planning to do that.

Q145 **Rachel Hopkins:** Is there extra resource available to ONS to make sure it can deliver?

**Sir John Manzoni:** They are still saying they can deliver and, if they need extra resource, we will have to have that conversation. I have not heard. They have not asked. They do not need to ask me; they can deploy it themselves, but they are still saying that they are holding to the date.

Q146 **Rachel Hopkins:** The Government Equalities Office has moved into the Cabinet Office but the responsible Ministers remain in other Departments. How does this affect the relationship between officials and Ministers, including your own?

**Sir John Manzoni:** It is a good thing. We have brought together the Government Equalities Office. It has now joined with the Race Disparity Unit and the Disability Unit. We can now deploy different techniques that have been done in different groups to the totality. That is underway. The officials are thinking about how to do that best. As you say, they work to the Minister for Equalities and that is fine. Rather like the conversation we have just had about FCO and DfID, it can be done. I am the accounting officer for the group of people but the Minister for Equalities is in charge of the policy for that group.

**Sir Mark Sedwill:** Just to add to that, the function of the Minister for Equalities has tended to move around Cabinet Ministers according, often, to the personal interests of the Cabinet Ministers concerned and the degree to which the Prime Minister wants them to take on an additional function to their departmental function. I think it was when Penny Mordaunt was doing it that we concluded that actually moving the Equalities Office every time the ministerial responsibility moved was disruptive to the work. Bringing it together at the centre allows that flexibility of appointment at the ministerial level while ensuring there is, alongside the other units that John mentioned, a well of expertise that can support the policy, without that being disrupted every time there is a change.

Q147 **Rachel Hopkins:** Can you just tell us a little bit more about the whole Equalities Hub and its remit and breadth?

**Sir John Manzoni:** The bulk of it remains the Government Equalities Office, but the Race Disparity Unit was a separate unit looking at the implications for race of various policies across the country. We have now brought the Disabilities Unit in, which is looking at the implications for disabled people of the various policies across the country. The Equalities Hub is now a single group. We have still to bring it all together and merge it in a powerful way and use all the data analysis tools and such things because they have all been doing slightly different things, but I am actually rather optimistic. For instance, the Gender Equalities Office was accountable for the policy on the gender pay gap, the reporting of the



gender pay gap and things like that. We can now deploy that across a greater range of targeted groups.

Q148 **Ronnie Cowan:** Why do so many big UK Government projects go over time and budget?

**Sir John Manzoni:** There are a number of reasons for that. We have a tendency to announce rather specific dates and costs rather early. We have always done that. We are trying to prevent that. We have been rather apt to announce a specific date and a specific number. In the outside world, that never happens. There is always in the early days a range, so we are introducing ranges. There is often less discipline than one would like on the scope of particular projects. There are a number of reasons here. It is not as if we do not know about them. We are introducing through the IPA various disciplines. There are also of course skills and capabilities, which we have been busy building across for the last several years. Several hundred people have been through the world-class Major Projects Leadership Academy, for instance. There are a number of reasons.

Q149 **Ronnie Cowan:** I do not necessarily agree that in the outside world there is not a specific date. I would have thought that when commissioning any major work, someone has got to be told, "It will be done by that date and at that cost or you are not getting the contract". That is quite common in the outside world.

**Sir John Manzoni:** No, actually, what is common in the early phases, is that usually there is a plus or minus 50% cost. As you go to the next stage of approval, it is plus or minus 30%. When you get to final approval, it is plus or minus 10%. There is usually a convergent range on the costs. There is very rarely a specific date other than in public projects. I have spent 30 years building oil platforms. We never used to give a specific date.

Q150 **Ronnie Cowan:** I spent 35 years and we pretty much had specific dates for projects to be completed by. With HS2, £12 billion, nine or 10 years, and nothing so far.

**Sir John Manzoni:** That is a public project, as I recall. That is the point.

Q151 **Ronnie Cowan:** That is an example of a project that has gone completely out of kilter.

**Sir John Manzoni:** No, let us not talk about a specific project. You asked me about the general. We have been apt to announce specific times and specific dates. There are many examples that have been too early for the level of definition in the project.

Q152 **Ronnie Cowan:** Why? Surely one of the golden rules is that you do your analysis upfront and that will save you the cost at the back end.

**Sir John Manzoni:** What we are trying to do is to introduce greater checks on deliverability and we are trying to encourage politicians to announce ranges, not specifics. Of course, we have to build the skills of the teams and all of those things. All of that is happening. It is very difficult to just



say whether we are getting better or not, but one measure, for instance, is when the IPA first started. It is true that 10% of the projects left the major projects portfolio—in other words, into delivery—in a green or amber-green state. Today 60% of them leave the projects portfolio in a green or amber-green state. There is a measure of things getting better.

Q153 **Ronnie Cowan:** John, you said in the Civil Service World that Universal Credit was a brilliant programme that certainly was not going to be done in the timeframe that politicians thought it could be done in. Would you expand that to say the timeframe and budget that politicians thought it could be done in?

**Sir John Manzoni:** There was an early declaration of certainty. That is a great example. It was an early declaration of certainty. As you know, several years later, here we are. It is actually a brilliant project. It is working really well. The digital process is working very well but it is taking a lot of—

Q154 **Ronnie Cowan:** I would take issue with that, going by my in-box and the number of people in my constituency and I am sure other constituencies who are suffering at the hands of Universal Credit, to say that this project is going brilliantly.

**Sir John Manzoni:** There are of course different views, but of course my point is that the certainty was too early—

Q155 **Ronnie Cowan:** My view, day in day out, is that you cannot turn around and say Universal Credit rollout is going brilliantly. My constituency is one of the very first to experience this and we have suffered from it since day one and continue to suffer from it.

**Sir John Manzoni:** There are different views. My point is that a timeframe and a cost were declared far too early, as is true for many big, complex, major projects. That is my main point.

Q156 **Ronnie Cowan:** Even though the budget was massively underestimated?

**Sir John Manzoni:** In that case. This is 2013. I cannot remember the detail, to be honest. I am very happy to go back and check but I was sitting in this chair in 2013 or 2014 having this very conversation. I just have not gone back to check what the original estimates were. Of course, I know it is much later and it is much more expensive.

Q157 **David Mundell:** Can I ask you some questions about the Government estate? I should preface that by saying how much I welcome the Edinburgh hub at Queen Elizabeth House. It will be a hugely positive development for the UK Government in Scotland.

More widely, are you able to tell us how many staff have moved from central London as part of the hubs programme across the UK so far?

**Sir John Manzoni:** From central London? I do not have the specific numbers. In phase one of the hubs it has been largely an HMRC project. There have been 13 projects where they have been bringing together





## HOUSE OF COMMONS

smaller offices into better, more modern offices, and including other Departments into those hubs. That has been the main focus for the first 13 hubs that have been built.

We have announced three genuinely cross-Government hubs in place. Two of them have 16 or 18 departments in. One of them has two departments in and Edinburgh is one of them. We have 21 more in planning. That is where we are starting to move people out of central London. In addition to that, in the last two years, we have moved 15 ALBs out. As an ALB has been created or indeed a lease has come up for an arms-length body, we have moved them out of London.

I do not have the numbers of people, but this is a programme that is building. We have some specific targets for 2021. We want to move 3,000 civil servants—or 3,000 roles, I should say more correctly—from central Whitehall out of London by 2021 and we have a target of 22,000 roles by 2030.

**Q158 David Mundell:** By “out of London”, you do not necessarily mean out of the south-east of England, do you?

**Sir John Manzoni:** Many of those are going out of the south-east because many of the places that we are building those hubs are not in the south-east. They are actually, because it is part of the levelling-up agenda and because anyway there are skills available in Manchester, Leeds, York, Sheffield, Edinburgh and Cardiff. Most of those hubs are going.

The only hubs that exist in the south-east, one is in Canary Wharf, where we have a big group of people—that is one of the three that has been filled up actually—and one in Surrey, in Croydon. I do not have the list in front of me, but most of them are out of the south-east.

**Q159 David Mundell:** How many people do you think will have moved out of the centre of London and out of the south-east of England by the scheduled completion of the project in 2025?

**Sir John Manzoni:** Somewhere between 3,000 and 22,000. The question is the pace at which we can accelerate that because I think it is an accelerating programme. As you know, it is very hard. Look, I come from an industry where we moved people around the world all the time, but we paid them a lot of money to do so. We do not pay civil servants to move and many of them cannot afford to move out. But when you ask young people, they want to live outside of the south-east and so we can hire roles in new places. That is what we are really doing. This is an accelerating process. It has an edge to it in London because we are closing buildings in the Whitehall campus here. We have a target for 2025 for 20 big main Government buildings in Whitehall. That is also pushing people out.

**Q160 David Mundell:** As you said in your earlier answer, part of it is actually moving people from existing offices into central locations. Often, the moving of those people—as in the Glasgow example moving people from Cumbernauld or East Kilbride to Glasgow itself—will have a very significant



impact on those communities from which the officers are moved. How do the Government carry out their responsibilities as other employers would if they were moving significant numbers of people from a community to ensure that that community is not overly adversely affected by that move?

**Sir John Manzoni:** There are extensive consultations, as you know, and there have been with the HMRC moves with those communities. This is not an easy task, but we have some truly shocking offices which are small, which are half empty, which have not been maintained properly. Our people deserve better, frankly. I visit them all around the country and some of them are really dreadful. We have to be creating better work environments for our people. By the way, they are also more modern work environments so that they can work remotely and flexibly for some jobs. It is imperative and of course it is a balance. I have no particular answers, but of course it is a balance and we have to be careful about that.

Q161 **David Mundell:** If a private employer was moving 3,000 people from Cumbernauld, it would engage with the local authority and wider community about the implications of that move. Will the Government do that as they—

**Sir John Manzoni:** With HMRC, which is that particular move that you have been describing, I believe we have been engaging with the local authority.

There is another programme in parallel with this, which is where central government work with local authorities specifically to build more modern activities for the wider public sector as well. That programme so far is projected to create 25,000 jobs in local authority places around the country. I do not have the specifics and I do not know what happened in Cumbernauld, but there is a parallel programme called One Public Estate where we are trying to optimise the central and the local government estates and generate houses or building by that programme. That programme has been working very well. About six or seven rounds of that have happened where it is very difficult for a local area to begin a process of redevelopment and we can bring that facilitative capability. It is sometimes a very small amount of money to bring together that planning capability or something to help that going forward. That is happening as well at the same time.

Q162 **David Mundell:** What is the process with people who do not want to move?

**Sir John Manzoni:** There are some people who do not want to. I think this is the case in the HMRC activity. Certainly in remote places, if they cannot move or do not move, then there would be voluntary exit opportunities for them. In London, to move out, there is some cajoling and some persuasion. Sometimes people will not do it and this is why this is an iterative process. This is not easy when we are not paying people to do it. I recognise that.

Q163 **John Stevenson:** Just on this topic, how will you deal with the pay structures when you move people out of London into regional parts of the



## HOUSE OF COMMONS

country where, quite clearly, there is a different employment market, a different housing cost market and so on?

**Sir John Manzoni:** The most pressing issue, actually, is when we bring 18 different Departments together and we can begin to see the discrepancies in the departmental thing. That is really one of the drivers behind the appropriate convergence of terms and conditions. That is a long-term objective because, as they stand today, those employees are part of a particular Department and paid in a particular way for a particular purpose. We have to be quite careful and cautious in how we do this. That is one of the reasons why, whether you call it a department or a function, we need to be more cohesive across the Civil Service because we begin to bring people into multidepartment hubs.

Q164 **John Stevenson:** I presume the intention is more operational staff that you are going to move out?

**Sir John Manzoni:** Mostly out of London.

**Sir Mark Sedwill:** Just to address that point, we have tried before to move policy staff—Whitehall staff—out and then they have tended to drift back again. That is partly because the centre of gravity is around Ministers, Parliament and so on. You may have heard the Chancellor say he intends to move a significant proportion of the Treasury, which is the policy Department and, in some ways, the purest example of that, out of London as well. We do want to look at that and look at senior staff and Ministers and so on.

Part of this, as you were suggesting, is that in particular I suppose for younger people but others as well, where property markets are cheaper elsewhere, people can actually have a lifestyle of a kind they will struggle, particularly on Civil Service salaries, to afford in central London. There is less turnover in the labour market. GCHQ, for example, found that it had essentially exhausted the labour market in Cheltenham for the kinds of skills it wanted and opened a hub in Manchester. It is finding that the Manchester labour market for those skills is also now highly competitive and is looking—as others are—at whether to go elsewhere. I would not just think of it as operational jobs and the people doing the frontline jobs of public services. We are looking at policy and highly skilled jobs, specialist jobs and so on as well.

Q165 **David Mundell:** It would be a particular challenge for you to support the House of Lords in its activities if it was located in York, would it not?

**Sir Mark Sedwill:** York is only two hours away, so let's see, but the House of Lords will no doubt have its own views.

Q166 **Lloyd Russell-Moyle:** London and the south-east are not the same thing. London is London. The two of you have identified London. The south-east has great areas of poverty as well as some wealth. It is important that we do not confuse the two. As a south-east MP, I thought it was important to put that on the record because we were saying the two things.



Sometimes in these moves—and I went to see one Government estate or one Crown estate project or whatever earlier on this week where the Crown Prosecution Office is moving in with the police and the local council in Brighton, a good project—there is a danger that actually it increases stress for staff. Hotdesking: no personal space to be able to leave your papers out and this idea of modernisation actually increases all the modern woes of working.

What involvement has there been with the unions, particularly the PCS, to ensure that in those moves—yes, the buildings might be nicer—the actual working conditions for staff are maintained? What discussions have happened with the union particularly with its pay claim, which is around a universal pay claim for the whole of the Civil Service? That is what its desire is, and it sounds almost like your desire as well to have a unified system. What discussions are there if there is some agreement?

**Sir John Manzoni:** I have been very careful not to declare that that should be the objective because it is not clear to me that it should. Do I think there should be greater convergence? Yes, I do. As I said, the main activity thus far has been with HMRC in its aggregation to 13 new hubs. That process has been going very well. I see HMRC regularly. It is extensively engaged with its workforce and therefore are seeing the union. I do not know specifically, but I have heard very little. It has been a well-managed process thus far, actually. We must engage with the unions, of course we must. As the—

Q167 **Lloyd Russell-Moyle:** Is the engagement up at your level or is the engagement then at a different level with the unions on this matter?

**Sir John Manzoni:** We are about to engage in a conversation with the unions at my level, and with the head of HR and the head of industrial relations and such things, because I do think we need to engage in a strategic dialogue with our unions. There are lots of pressures and tensions. This hub is one. As you say, they have an aspiration for pay claims and such things, which are not always affordable. We have to engage in a strategic way because, in the end, the Civil Service is about people and we need people to be well catered for and properly accommodated and properly rewarded. That is an important aspect of what we do. I am completely up for a very strategic dialogue with our unions and would welcome that. In fact, we are hoping to engage with them in the fairly near term on this whole issue.

**Sir Mark Sedwill:** If I may just add a point, we are trying to create, as John indicated earlier, genuinely modern workspaces that suit the needs of the jobs but also the people we now employ. Those are not just open plan in the old regimented way. They are much more variable now. All our new buildings provide genuinely better facilities for staff.

Hotdesking does not just mean that have not got somewhere to go. Hotdesking can mean you can operate in different ways at different levels



and collaborate with people in different ways, if you do it really intelligently and that is what we try to do.

Q168 **Lloyd Russell-Moyle:** It costs money to do it intelligently.

**Sir Mark Sedwill:** It does but, usually, it saves money if you get a better output in the long run.

If I just give you a slightly different example, I went to see a hub that I think was also an HMRC hub in Cardiff, right opposite the new BBC headquarters there, so between the two of them they were creating a significant, brand new, modern economic input into that part of Cardiff. A whole load of other businesses—shops, bars, night-time economy—were coming into the area, too.

Of course, that is also part of giving people decent public transport and so on, giving people not only a modern workspace but a lifestyle, making work part of a lifestyle that they find attractive. If we cannot pay salaries that are necessarily competitive at least in London—although in other parts of the country, often they are reasonably competitive—it is not just salary; it is the entire package. It is the way we employ people, the diversity and inclusion agenda, the whole lifetime package, but part of that is where they work and the conditions in which they work. We are trying to put that together in a coherent way.

Q169 **Lloyd Russell-Moyle:** Have you responded to the PCS letter from Mark Serwotka on some of those issues—Sir Mark, I think it was sent to you—and some of those discussions that they wanted to have around a unified workforce and a unified pay structure?

**Sir Mark Sedwill:** I do not think I have signed off a letter back but we are working on the issues. I do not recall signing it off, but that is exactly what John was referring to.

Q170 **Chair:** Thank you, gentlemen. Before I draw this session to an end, can I just refer back to something that you mentioned earlier, Sir Mark, in terms of special adviser contracts? I wonder if you would kindly perhaps do a quick audit from the last few years as to those contracts and write to the Committee perhaps just confirming their existence. There is some discussion on whether indeed all SPADs have had contracts.

**Sir Mark Sedwill:** I see. I am happy to have a look at that, yes.

Q171 **Chair:** If you would most kindly have a look and write back to the Committee?

**Sir Mark Sedwill:** I presume they do, but clearly we can check.

**Chair:** I would be most grateful. Can I thank both of you, Sir John and Sir Mark, for your time and answers at a considerably busy period for you both? There are indeed some areas for us to write and follow up on. I am very grateful for your candour this morning.